

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2326

THIS DOCUMENT RELATES TO CASES
ON THE EXHIBIT ATTACHED HERETO

ORDER

(Dismissing Defendant Boston Scientific Corp. with Prejudice
and Transferring Cases to MDL 2327)

Pending in MDL 2326, 2:12-md-2326 [ECF No. 4412], is a Joint Motion to Dismiss Defendant Boston Scientific Corp. with Prejudice filed by the plaintiffs, identified in Exhibit A, (attached hereto) and Boston Scientific Corp. (“BSC”) seeking dismissal of BSC as a defendant in these actions with prejudice because all claims against BSC have been compromised and settled, including all claims, counterclaims, cross-claims and third party claims. Also pending is Plaintiffs’ Motion to Transfer MDLs for these cases [ECF No. 4412]. After careful consideration, it is **ORDERED** that the Joint Motion to Dismiss BSC with Prejudice is **GRANTED**. It is further **ORDERED** that the **MOTION TO TRANSFER MDLs** is **GRANTED**. Defendant BSC is **DISMISSED WITH PREJUDICE** as a defendant in the actions listed in Exhibit A, these actions are **TRANSFERRED** to MDL 2327, and the Clerk is directed to disassociate these civil actions as member cases in MDL 2326 and re-associate them with MDL 2327.

Plaintiff's counsel states in the Motion to Transfer that an Amended Short Form Complaint will be filed within 14 days of the filing of the Joint Motion. To the extent the Amended Short Form Complaint has not been filed, plaintiff's counsel is **DIRECTED** to file an Amended Short Form Complaint within the time frame stated in the motion.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and in the individual cases listed in Exhibit A.

ENTER: November 13, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

CASE NUMBER	CASE NAME
14-cv-05270	RIEDEL, Donna and Grant Riedel vs. Boston Scientific Corporation, Johnson & Johnson, Ethicon, Inc.
14-cv-05299	SMITH, Jan vs. Boston Scientific Corporation, Johnson & Johnson, Ethicon, INc.
14-cv-05297	SMITH, Karen and Douglas A. Smith vs. Boston Scientific Corporation, Johnson & Johnson, Ethicon, Inc.
14-cv-10320	WALTON, Sue and Paul Walton vs. Boston Scientific Corporation, Johnson & Johnson, Ethicon, LLC